

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652-08

vs.

HON. GEORGE CARAM STEEH

D-8 MICHAEL ROGERS,

Defendant.

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ORDER DENYING DEFENDANT'S MOTION FOR  
REVOCATION OF DETENTION ORDER [DOC. 738]

This matter is before the court on defendant Michael Rogers' second motion for revocation of detention. On March 9, 2016, Magistrate Judge Stafford held a detention hearing, at which time defendant requested to have his live-in girlfriend of ten years be appointed third-party custodian. Magistrate Judge Stafford ordered detention on the ground defendant was a danger to the community and he was a risk of non-appearance. She found that defendant was a member of the Seven Mile Bloods, which was "a violent gang engaged in murderous wars with other gangs." Moreover, Stafford found that Nykia Johnson would not be an appropriate third-party custodian "because she is merely his peer and unlikely to be an effective

authority figure, and because evidence of his gang activity was found during the March 1, 2016 search of the home they share.”

Defendant Rogers moved this court for revocation of the detention order entered by the Magistrate Judge. Specifically, Rogers asked the court to reconsider Ms. Johnson’s suitability as a third-party custodian. At a hearing held on June 6, 2016, the court denied defendant’s motion.

Defendant is before the court again, asking the court to consider releasing him to the custody of his aunt. Defendant further argues that the government has not supported its allegation that defendant is a danger to the community or a flight risk.

Defendant is subject to the statutory presumption of detention under 18 U.S.C. § 3142(e)(3)(B), and as such he bears the burden of production and must come “forward with evidence that he does not pose a danger to the community or a risk of flight.” *United States v. Stone*, 608 F.3d 939, 945 (6th Cir. 2010). In seeking to have his detention hearing reopened, the defendant must come forward with information that is new, that was not previously known to the movant, and that has a material bearing on the issue whether there are conditions of release that will reasonably assure defendant’s appearance and the safety of the community. See 18 U.S.C. § 3142(f)(2)(B).

The court finds that defendant has not come forth with any new information that changes the determination initially made by Magistrate Judge Stafford, or by this court at its previous revocation hearing. The court finds that defendant has failed to satisfy his burden of producing evidence that he does not pose a danger to the community or is a risk of flight. For this reason, defendant's motion for revocation of detention order is DENIED.

IT IS SO ORDERED.

Dated: December 21, 2017

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 21, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk